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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,135	02/04/2004	Yih-Shin Tan	5577-290	4257
53792 7590 03/04/2009 DILLON & YUDELL LLP 8911 N. CAPITAL OF TEXAS HWY. SUITE 2110 AUSTIN, TX 78759			RSW920030276US1	
EXAMINER				
KEEFE, MICHAEL E				
ART UNIT		PAPER NUMBER		
2454				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/772,135

**Applicant(s)**

TAN ET AL.

**Examiner**

MICHAEL E. KEEFER

**Art Unit**

2454

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-13, 15-20, 22-32 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-13, 15-20, 22-32 and 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is responsive to the Amendment filed 11/7/2008.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Chalasani et al. (US 2004/0103339), hereafter Chalasani.

Regarding claim 1, Chalasani discloses:

Transmitting an OGSA operational rule from one node to another that is configured to apply the result to a request for service from the first node where the rule specifies how the request for service is handled. ([0039-0041] disclose sending the service to another node, the wrapped service tells the node what service to give to those that request service.)

wherein the operational rule comprises a rule associated with at least one of security, error recovery, and business transaction terms/conditions associated with the request for service. (at least [0033] discusses sending business service level assertions and security assertions)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10, 13-22, 25-34, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar et al. (US 6278993), hereafter Kumar, in view of Foster et al. "The Physiology of the Grid", hereafter Foster, and in further view of Schneider et al. (US 7408336), hereafter Schneider.

Regarding **claims 1, 13, 25 and 37**, Kumar discloses:

A method of configuring nodes for service requests, the method comprising:

transmitting an operational rule from a first service node that receives a request for service to a second service node that is configured to apply the operational rule to the request for service in response to the request from the first service node for service. (Fig. 10, items 215 and 213. The first node transmits the search query to a search function)

wherein the operational rule comprises a rule associated with at least one of security, error recovery, and business transaction terms/conditions associated with the request for service. (Col. 24, lines 53-54, the search request for bios flash upgrades is associated with both security and error recovery.)

Kumar discloses all the limitations of claims 1-10, 13-22, 25-34, and 37 except for using the OGSA.

The general concept of using an OGSA to provide network services is well known in the art as taught by Foster.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kumar with the general concept of providing services over OGSA as taught by Foster in order to provide users with more efficient and timely access to search services.

Kumar and Foster teach all the limitations of claims 1-10, 13-22, 25-34, and 37 except for the operational rule providing different operations based upon the requestor of the service.

The general concept of providing different operations based upon the requestor of a service is well known in the art as taught by Schnieder. (Col. 9-10 teach the differentiation of access to services based upon who is requesting them, and where that request is coming from. (I.e. should the service be provided or not.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kumar and Foster with the general concept of providing different operations based upon the requestor of a service as taught by Schneider in order to ensure the security of private intranet search engines.

Regarding **claims 2, 14, and 26 as applied to claims 1, 13, and 25**, Kumar discloses:

propagating the operational rule from the second service node to a third service node that is registered with the second service node as capable of providing service thereto. (Fig. 10, items 219 and 223, the first search node transfers the search query to a private search node)

Regarding **claims 3, 15, and 27 as applied to claims 1, 13, and 25**, Kumar discloses:

wherein transmitting an operational rule is preceded by: registering the second node with the first service node to define the second service node as available to the first service node to receive requests for service. (Col. 24 lines 43-47 disclose registering with the private search engine)

Regarding **claims 4, 16, and 28 as applied to claims 1, 13, and 25**, Kumar discloses:

wherein the operational rule comprises a first operational rule, the method further comprising: modifying the first operational rule to provide a second operational rule; and transmitting the second operational rule to the second service node responsive to modifying the first operational rule. (Col. 25 lines 14-16 disclose modifying the search query before sending it to the private search engine)

Regarding **claims 5, 17, and 29 as applied to claims 1, 13, and 25**, Kumar discloses:

receiving a first request for service at the first service node; determining that the first request is associated with the operational rule; applying the

operational rule to the first request to provide a propagated first request; and transmitting the propagated first request to the second service node. (Fig. 10)

Regarding **claims 6, 18, and 30 as applied to claims 1, 13, and 25**, Kumar discloses:

receiving a first request for service at the first service node; determining that the first request is associated with the operational rule; applying the operational rule to the first request to provide a propagated first request; and transmitting the propagated first request to a third service node rather than the second service node responsive to a parameter associated with the third service node. (Col. 23 lines 56-58 discloses that there may be multiple private search engines which the user may be registered to.)

Regarding **claims 7, 19, and 31 as applied to claims 1, 13, and 25**, Kumar discloses:

receiving a first request for service at the first service node, the first request for service including a token associated with the first request that further defines how the first request is to be serviced; determining that the first request is associated with the operational rule; applying the operational rule to the first request to provide a propagated first request; and transmitting the propagated first request and the token to the second service node. (Fig. 10, note that a token is inherent in a IP packet. (Note that a token indicating Quality of Service is inherent in a IP packet (Definition of the packet structure by pg. 98 Comer is cited, note the Service Type field.)))

Regarding **claims 8, 20, and 32 as applied to claims 1, 7, 13, 19, 25, and 31**,  
Kumar discloses:

wherein the token comprises at least one of a price, geographic location, and quality of service. (Note that a token indicating Quality of Service is inherent in a IP packet (Definition of the packet structure by Comer pg. 98 is cited, note the Service Type field.))

Regarding **claims 9, 21, and 33 as applied to claims 1, 13, and 25**, Kumar discloses:

Regarding **claims 10, 22, and 34 as applied to claims 1, 13, and 25**, Kumar discloses:

wherein the operational rule comprises an requestor identifier that identifies a the first service node as transmitting the request for service the second service node. (Col. 24, lines 53-54, the search request for bios flash upgrades is associated the first service node (i.e. the pavilion server).)

6. Claims 11-12, 23-24, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slaughter et al. (US 6973493), hereafter Slaughter in view of Foster further in view of Marquet et al. (US 2004/0083386), hereafter Marquet.

Regarding **claims 11, 23, and 35**, Slaughter discloses:

A method of configuring secondary service nodes to handle service requests from a primary service node in a service node network, the method comprising:



receiving a request for registration at a primary service node from a secondary service node including that the secondary service node is capable of providing a service to the primary service node; (Col. 34 lines 13-14 discloses that the client receives a "capability credential", i.e. a request for registration.)

registering that the secondary service node is capable of providing the service with primary service node; transmitting a response from the primary service node to the secondary service node including an operational rule that defines how the service is to be provided to the primary service node; (Col. 34 lines 43-48 disclose the client specifying a rule for how results are to be returned to the client.)

maintaining the operational rule accessible to the secondary service node and associated with the primary service node; receiving a request for service from the primary service node at the secondary service node; and providing service to the primary service node responsive to determining that the request for service is associated with the primary service node. (Col. 34 lines 65-67 - Col. 35 lines 1-5 disclose sending a request to the service and getting a result compliant with the rule sent to the service)

Slaughter discloses all the limitations of claims 11-12, 23-24, and 35-36 except for using the OGSA.

The general concept of using an OGSA to provide network services is well known in the art as taught by Foster.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Slaughter with the general concept of providing services over OGSA as taught by Foster in order to provide users with more efficient and timely access to services.

Slaughter and Foster teach all the limitations of claims 11-12, 23-24, and 35-36, except for the rules (policies) being associated with security or error recovery, or being associated with business transaction terms/conditions associated with the request for service.

The general concept of transmitting security policies between nodes is well known in the art as taught by Marquet. (see [0022] which teaches the sending of security policy updates (i.e. rules) to nodes)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Slaughter and Foster with the general concept of transmitting security policies between nodes as taught by Marquet in order to more securely deliver advertisements of services and policy updates.

Regarding **claims 12, 24, and 36 as applied to claims 11, 23, and 35**, Slaughter discloses:

Claims 12, 24, and 36 are substantially the same as claims 11, 23, and 35 except that they state that the service is capable of servicing more than one node. Col. 33 line 60 discloses that there are multiple clients that may subscribe to services, therefore the services can register with multiple clients.

Slaughter discloses all the limitations of claims 11-12, 23-24, and 35-36 except for using the OGSA.

The general concept of using an OGSA to provide network services is well known in the art as taught by Foster.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Slaughter with the general concept of providing services over OGSA as taught by Foster in order to provide users with more efficient and timely access to services.

#### ***Response to Arguments***

7. Applicant's arguments filed 11/7/2008 have been fully considered but they are not persuasive.
8. First, the Examiner appreciates that Applicant has reminded the Examiner that the Chalasani reference is not available for use in a rejection under 35 U.S.C. 103(a) because of the prior art exclusion of 35 U.S.C. 103(c). However, Chalasani is being used as an anticipatory reference under 35 U.S.C. 102(e), and thus cannot be excluded using 35 U.S.C. 103(c). The Examiner has mapped this reference to the new limitations amended into Claim 1 in the rejection above.
9. Second, Applicant argues that Kumar, Foster, and Schneider do not teach or disclose the limitations of claims 1, 13, 25, and 37 (i.e. transmitting an operational rule as well as an operational rule that comprises a rule associated with at least one of security, error recovery, and business transaction terms/conditions associated with the request for service). The Examiner continues to assert that Kumar, Foster and

Schneider do teach "transmitting operational rules that indicate how service requests are handled". As the Examiner stated before, the 'search term' itself is an operational rule, because it indicates how the search is to be executed (i.e. what is to be searched for). Further, the Examiner disagrees with Applicant's interpretation of the clause "an operational rule that comprises a rule associated with at least one of security, error recovery, and business transaction terms/conditions associated with a request for service". Applicant appears to apply the phrase 'associated with a request for service' to all the items in the list of "at least one of". However, the Examiner interprets this language to only limit the business transaction terms/conditions to be associated with the request for service, not the other items of security and error recovery.

10. Applicant argues that Slaughter does not teach "providing operational rules on how the results are to be obtained". This language is not found in the claims. The operational rules merely specify how a request for service is handled, and the return data formatting is clearly part of how a service handles a request. (see Slaughter col. 34, lines 43-45). Applicants further arguments regarding Slaughter are moot in view of the new ground of rejection above based solely upon the amendments made by Applicant to those claims.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL E. KEEFER whose telephone number is (571)270-1591. The examiner can normally be reached on Monday through Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

2/19/2009

/Dustin Nguyen/

Primary Examiner, Art Unit 2454